IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4607 OF 1999

Kumari Hajara Begum Abdul
Razzak Inamdar, Headmistress, .. Petitioner

Vs

1. The State of Maharashtra & ors. .. Respondents.

Mr. M.N.Maniyar, for the petitioner.

Mr. P.M.Patil, AGP for respondent nos 1 and 2.

Mr Rahul Swant h/f Mr Nitin Jamdar for respondent no.3.

CORAM : B.H.MARLAPALLE & D.B.BHOSALE,JJ.

DATE : APRIL 27, 2006.

PC:

1. Heard the learned counsel for the respective parties.

2. The relief prayed for in this petition is fully covered by a Full Bench decision of this Court wherein it has been laid down that for appointment as an Assistant Teacher in a Primary School the qualification of D.Ed is a must and the teachers who possess B.Ed or any other higher qualifications cannot be retained in service. The learned counsel for the petitioner, therefore, sought leave to withdraw the petition. Leave granted and the petition is dismissed as withdrawn.

3. In case during the pendency of this petition the

petitioner has acquired D.Ed qualification, she is at liberty to apply to the concerned authority for approval to her appointment as an Assistant Teacher or Head Mistress of the Primary School and this order of dismissal of the petition will not come in her way.

(D.B.BHOSALE, J.) **(B.H.MARLAPALLE,J.)**